IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

WRIT PETITION NO. 372 (SS) OF 2006

Vinod Kumar Ghildiyal,
Aged about 49 years,
S/o Sri B.D. Ghildiyal,
R/o Village Pipli, Post Bonsal Talla, Via-Pattisen,
District-Pauri Garhwal. .....Petitioner.

Versus

1. State of Uttaranchal, through Secretary, Education, Uttaranchal Shasan, Dehradun.
2. Director of Education, Uttaranchal, Dehradun.
3. Joint Director of Education, Garhwal Mandal, Pauri.
4. District Education Officer, Pauri.
5. Committee of Management, Janta Inter College, Mondari, District – Pauri Garhwal.
6. Principal, Janta Inter College, Mondari, District Pauri Garhwal. .....Respondents.

Mr. Subhash Upadhyay, Advocate for the petitioner.
Learned Standing Counsel for the respondents no. 1 to 4.

Dated: 2103.2006

Hon'ble Rajesh Tandon, J.

By the present writ petition, the petitioner has prayed for a writ of mandamus commanding the respondents to produce the entire records relating to the creation and advertisement to the post of Lecturer, Sanskrit. Further prayer has been made for a writ of mandamus commanding the respondents to consider the case of the petitioner for promotion, in case the post of Lecturer (Sanskrit) is created.

2. Briefly stated, the petitioner was appointed as an Assistant Teacher in the Junior High School under the respondent no. 5 and 6 as B.T.C. Teacher in the year, 1977. On 19.01.1985, the petitioner after the upgradation of the school as High School came into C.T. Grade.

3. Thereafter, the C.T. Grade was declared as dying cadre and from January, 1991, the petitioner started working under L.T. Grade.

4. The grievance of the petitioner is that he is having adequate qualification for being promoted as a Lecturer (Sanskrit), who is already teaching Intermediate (Sanskrit).

5. Further grievance of the petitioner is that on 9th January, 2006, he moved a representation before the respondent no. 5 and 17th January, 2006 before the District Education Officer, Uttaranchal, but the same has yet not been considered.

6. The petitioner has submitted that he is entitled to be promoted under 50% quota as he falls under the zone of 50% quota.

7. Therefore, the respondent no. 4 District Education Officer, Pauri is directed to decide the representation of the petitioner filed on 17.01.2006 within a period of one month from the date of presentation of the certified copy of the order. However, till the disposal of the representation of the petitioner, the process in pursuance of the advertisement dated 07.01.2006 shall continue but no final appointment shall take place.

8. Writ petition is disposed of. No order as to costs.

(Rajesh Tandon, J.)

21.03.2006
Rathour